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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206116
Party	Plaintiff Amy's Kitchen, Inc.
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Submission	Withdrawal of Opposition
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Date	11/20/2014
Attachments	91206116_Consent Motion re Dismissal.pdf(212394 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Serial Nos. 85/127,037 and 85/127,071	§	
Filed: September 10, 2010	§	
Marks: <b>AMY'S ICE CREAMS</b> and <b>AMY'S</b>	§	
<b>ICE CREAMS (stylized)</b>	§	
Published: March 20, 2012	§	
	§	
Amy's Kitchen, Inc.,	§	Opposition No. 91206116
	§	
Opposer,	§	
v.	§	
	§	
Amy's Ice Creams, Inc.,	§	
	§	
Applicant.		

**CONSENTED MOTION TO AMEND**  
**APPLICATIONS AND WITHDRAW OPPOSITION WITH PREJUDICE**

Pursuant to 37 C.F.R. § 2.133(a) and TBMP § 514.02, Amy's Ice Creams, Inc. ("Applicant") and Amy's Kitchen, Inc. ("Opposer") jointly request that the Board approve amendments to the identification of services for the above-referenced applications by removing the Class 43 language indicated in underline: "fruit ice, candy, chocolates and beverages." As amended, the identification of services in Class 43 would read in its entirety as follows: "Restaurant services featuring ice cream; catering."

It is submitted that these proposed amendments are limiting in nature, and thus are in compliance with 37 C.F.R. § 2.71(a). In particular, the amendments of the identification of services narrow rather than broaden the scope of the applications.

Applicant and Opposer have agreed to these amendments as part of a settlement of this matter. Provided that this amendment is accepted by the Board, Applicant and Opposer jointly stipulate that, pursuant to TBMP § 605.03(b), Opposition No. 91206116 be dismissed with

prejudice. Pursuant to the parties' settlement, Amy's Ice Creams hereby consents to Amy's Kitchen's registration of the marks AMY'S and AMY'S KITCHEN as specified in Application No. 85/339,258 and Application No. 85/339,245.

Respectfully submitted,

Date: 11/13/14



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